DOCKET FILE COPY ORIGINAL

National Association of State Utility Consumer Advocates

1133 15th Street, N.W., Suite 575, Washington, D.C. 20005 (202) 727-3908 Fax (202) 727-3911

OFFICERS

October 6, 1994

MARTHA S. HOGERTY

President Missouri

Via Federal Express

EDWARD L. PETRINI Vice President Virginia

IRWIN A. POPOWSKY

Secretary Pennsylvania Mr. William F. Caton Acting Secretary

Federal Communications Commission

self-addressed and prepaid envelope.

1919 M Street N.W., Room 222

Washington, D.C.

JAMES MARET Treasurer lowa

RE: CC Docket No. 93-22

EXECUTIVE COMMITTEE

RONALD J. BINZ Colorado

ELIZABETH A. NOEL

District of Columbia

JOAN C. PETERSON

Minnesota

Thank you for your assistance in this matter.

Enclosed please find the original and nine (9) copies of Comments of the National Association of State Utility

Consumer Advocates in the above-referenced docket. Please

stamp the extra copy "filed" and return it in the enclosed

FREDERICK J. SCHMIDT Nevada

JACK SHREVE

Florida

PATRICIA A. STOWELL

Delaware

Texas

WALTER WASHINGTON

Martha S. Hogert President - NASUCA

Matter Ado

Missoufi Public Counsel

No. of Copies rec'd List ABCDF

MSH/bjr **EXECUTIVE DIRECTOR**

DEBRA R. BERLYN

Enclosures

Sincerely,

Debra Berlyn, NASUCA Executive Director cc:

ALABAMA ARIZONA ARKANSAS COLORADO CONNECTICUT DELAWARE DISTRICT OF COLUMBIA FLORIDA

GEORGIA HAWAII **ILLINOIS** INDIANA IOWA KANSAS KENTUCKY

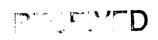
MAINE MARYLAND MASSACHUSETTS MICHIGAN MINNESOTA MISSISSIPPI MISSOURI **NEVADA**

NEW HAMPSHIRE **NEW JERSEY** NEW MEXICO NEW YORK NORTH CAROLINA OHIO OREGON

PENNSYLVANIA SOUTH CAROLINA TEXAS UTAH VERMONT VIRGINIA WASHINGTON WEST VIRGINIA



Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554



OCT 0 7 1994

In the	Matt	ter	of:
--------	------	-----	-----

Policies and Rules Implementing the Telephone Disclosure and Dispute Resolution Act.

CC Docket No. 93-22

COMMENTS OF THE NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER ADVOCATES

The National Association of State Utility Consumer Advocates (NASUCA) submits these Comments to the Further Notice of Proposed Rulemaking, adopted August 2, 1994, in the above-referenced proceeding. NASUCA is an association of 41 consumer advocate offices in 37 states and the District of Columbia, whose members are designated by state law to represent the interests of utility consumers before state and federal regulators and in the courts.

NASUCA has a strong interest in the use of 800 numbers to provide pay-per-call services. NASUCA members have received numerous complaints from consumers who have received large bills resulting from the misuse of such 800 numbers. NASUCA has also passed Resolution 1994-02 urging the Commission to eliminate or restrict such 800 number pay-per-call services. A copy of this resolution is attached.

NASUCA has also reviewed the Comments which are being filed at this Docket today by the Telecommunications Subcommittee of the Consumer Protection Committee of the National Association of Attorneys General (NAAG). In many states, NASUCA members are also

members of the NAAG. NASUCA supports the Comments of the NAAG Subcommittee and urges the Commission to adopt the measures advocated in those Comments.

Respectfully submitted,

Martha S. Hogerty

President

National Association of State Utility Consumer Advocates

Dated: October 6, 1994

NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER ADVOCATES

RESOLUTION

Urging the FCC to Address the Issue of Information Providers Using 800 Service for Pay-Per-Call Services in a Deceptive and Unfair Manner

- WHEREAS, the various NASUCA member offices have become aware that consumers have incurred significant charges for pay-per-call information services after dialing toll free 800 number services;
- WHEREAS, these consumers were unaware they would be charged for such services, or the charges were incurred by callers under 18 years old;
- WHEREAS, the use of 800 toll free number service to connect a caller to a pay-per-call service circumvents the blocking of 900 number services;
- WHEREAS, the FCC rules governing interstate pay-per-call and 800 services require common carriers to prohibit the use of 800 service access codes that result in the calling party being charged for the information "unless the calling party has a presubscription or comparable arrangement";
- WHEREAS, some information providers are using 800 numbers to provide pay-per-call services by claiming that they have created a "presubscription or comparable arrangement" by assigning unknowing and unaware consumers a four-digit number used to bill the call, or by the use of other misleading arrangements;
- THEREFORE BE IT RESOLVED that NASUCA urges the FCC to eliminate the "presubscription or comparable arrangement" exception to the restrictions on the use of 800 numbers for pay-per-call services in the FCC's rules governing interstate pay-per-call and 800 services, or in the alternative, to significantly restrict the ability to create such an arrangement to, for example, a presubscription arrangement that existed prior to the consumer making the call.

RESOLUTION-1994-02 Page 2

BE IT FURTHER RESOLVED that NASUCA authorizes its Executive Committee to develop specific positions and to take appropriate actions consistent with the terms of this resolution. The Executive Committee shall advise the membership of any proposed action prior to taking such action, if possible. In any event, the Executive Committee shall notify the membership of any action taken pursuant to this resolution.

Approved by NASUCA:

Santa Fe, New Mexico

June 21, 1994

Place

Date

Submitted by:

Community Involvement Committee

Dian Callaghan (CO), Chair Herb Jones (DC), Chair Valerie Bryan (CT) Shirley Guntharp (AR)

Susan Henry (PA)

Vicki Leach-Payne (OH)

Cindy Riely (MD) Eric Swanson (MN) Maria Swanstrom (AL) Kevin Winters (WA)

NASUCA Telecommunications Committee

Ron Binz (CO), Chair Suzanne Antley (AR) Charlie Beck (FL) David Bergmann (OH) David Conn (IA) Regina Costa (CA) Terry Czarski (MD) Elliott Elam (SC) Michael Griffin (NV) Wayne Jortner (ME) Philip McClelland (PA) Michael McRae (DC) Robert Piller (NY) Tim Seat (IN) Philip Shapiro (NY)

Deborah Waldbaum (CO) Walter Washington (TX)